

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

ROBERT JOSEPH BROWN,)
Petitioner,)
v.) 1:14-cv-0428-ACK-JEO
WILLIAM E. HOLLINGSWORTH, III, Circuit)
Judge for the 29th Judicial Circuit, Talladega,)
Alabama,)
Respondent.)

MEMORANDUM OPINION

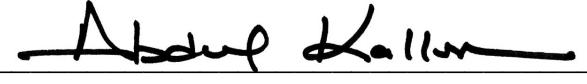
Robert Joseph Brown is an Alabama state prisoner, inmate number 240187, confined at the Bullock Correctional Facility in Union Springs, Alabama. Acting *pro se*, Brown initiated this action by filing a pre-printed complaint form for use by prisoners, generally to assert civil rights claims pursuant to 42 U.S.C. § 1983. (Doc.¹ 1). On March 31, 2014, the magistrate judge entered a report recommending that the action be dismissed without prejudice for lack of jurisdiction because Brown's pleading is, in substance, a successive petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 7). Brown has since filed a one page document that the court treats as an objection to the magistrate judge's report and recommendation. (Doc. 8).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation of the magistrate judge and Brown's response thereto, the court is of the opinion that the magistrate judge's report is due to be and is hereby

¹References herein to "Doc(s). __" are to the document numbers assigned by the Clerk of the Court to the pleadings, motions, and other materials in the court file, as reflected on the docket sheet in the court's Case Management/Electronic Case Files ("CM/ECF") system.

ADOPTED and his recommendation is ACCEPTED. To the extent that Brown's response is construed to raise objections to the magistrate judge's report, such objections are OVERRULED. Accordingly, this action is due to be DISMISSED WITHOUT PREJUDICE for want of jurisdiction. A separate final order will be entered.

DONE, this the 14th day of April, 2014.


ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE